

Deficiency Progress Report- Update 1

Submitted: **FEBRUARY 26, 2010**

To complete the evaluation process, Cal/EPA requires the CUPAs to submit Deficiency Progress Reports that explain the CUPA's progress towards correcting the identified deficiencies. Deficiency Progress Reports are due every 90 days after the evaluation date until all deficiencies have been corrected.

CUPA: Alameda County Environmental Health

Evaluation Date: December 1 and 2, 2009

Evaluators:

Cal/EPA: Ernie Genter

SWRCB: Sean Farrow

CalEMA: Jack Harrah

DTSC: Mark Pear

Date Update 1 submitted: FEBRUARY 26, 2010

Deficiencies corrected with Update 1: 4

Deficiencies remaining: 1, 2, 3

Next Update due date: May 31, 2010

Deficiency 1: The 2007/2008 and 2008/2009 Annual Self-Audits do not contain all the required elements.

Preliminary Corrective Action(s): By October 31, 2010, the CUPA will submit a copy of their 2009/2010 fiscal year self-audit report to Cal/EPA. The CUPA will assure that all required elements are adequately addressed in the report.

Cal/EPA will provide the CUPA with examples of permitting and enforcement narratives. (*This was done December 12, 2009.*)

CUPA Corrective Action, (Update 1): By October 31, 2010, ACDEH CUPA will submit to Cal /EPA a copy of FY 2009/2010 self-audit report that will address all the required elements.

CalEPA Response: *Cal/EPA appreciates the CUPA's actions and looks forward to receipt of the self-audit report that will address the deficiency.*

Deficiency 2: Although the CUPA is submitting all surcharge funds, they are not transmitting them within the required frequency.

Preliminary Corrective Action(s): By April 30, 2010, the CUPA will transmit the surcharges collected during the third fiscal quarter. In addition the CUPA will

continue to transmit collected state surcharges quarterly, within 30 days of the end of each state fiscal quarter.

CUPA Corrective Action, (Update 1): By April 30, 2010, ACDEH CUPA will transmit the surcharges collected during the third fiscal quarter and will continue to transmit collected state surcharges quarterly, within 30 days of the end of each state fiscal quarter.

CalEPA Response: *Cal/EPA considers this deficiency a correction in progress. This deficiency will be deemed corrected upon receipt and review of a submitted third quarter Report 1 and surcharge.*

Deficiency 3: The CUPA has failed to report on a quarterly basis to DTSC the RCRA LQG data (inspections, violations and enforcement actions).

Preliminary Corrective Action(s): By April 30, 2010, the CUPA will begin reporting LQG data on a quarterly basis rather than an annual basis. Reports will be submitted to Chuck McLaughlin, DTSC 8800 Cal-Center Drive, Sacramento, CA 95826.

CUPA Corrective Action, (Update 1): By April 30, 2010, ACDEH CUPA will begin reporting LQG data on a quarterly basis to Chuck McLaughlin, DTSC 8800 Cal-Center Drive, Sacramento, CA 95826.

DTSC Response: *DTSC considers this deficiency a correction in progress. This deficiency will be deemed corrected upon receipt and review of a submitted quarterly report.*

Deficiency 4: The CUPA is not collecting all of the new Underground Storage Tank (UST) data elements for permit renewals that came into effect in December 2007.

Preliminary Corrective Action(s): Beginning December 2, 2009, the CUPA will collect the new UST data elements.

By March 2, 2010, the CUPA shall submit three sets of submitted UPCF Forms A, B, and D.

CUPA Corrective Action, (Update 1): ACDEH CUPA is collecting the new UST data elements. Attached are copies of three sets of submitted UPCF Forms A, B, and D.

SWRCB Response: *The SWRCB considers this deficiency to be corrected.*